



## State of Utah

DEPARTMENT OF WORKFORCE SERVICES  
DIVISION OF EMPLOYMENT DEVELOPMENT

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# Utah's Temporary Assistance for Needy Families (TANF) State Plan

Effective October 1, 1999

State of Utah  
TANF State Plan

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## Section 1 - GOALS, RESULTS, AND PUBLIC INVOLVEMENT

The creation of the Department of Workforces Services was an innovative effort by the State of Utah aimed at consolidating all job placement, job training, and what is commonly known as welfare into one integrated service delivery system. The consolidated department legally began on July 1, 1997, and successful integration of services continues.

The basic objectives of the department are to simplify programs, to operate more efficiently, to improve services, and to provide a vehicle for true welfare reform. The department focuses on employment and will seek to serve employers by providing qualified applicants. At the same time, the department will seek to serve job seekers by helping them find appropriate employment or activities that will lead to gainful employment tailored to meet the needs of special populations, as defined by statute.

Utah was awarded a One-Stop Implementation Grant by the Department of Labor. This funding, along with other state initiatives already under way, provides critical resources to assist in the creation of a comprehensive one-stop system. Utah refers to one-stops as Employment Centers. A statewide system of 48 Employment Centers was created from 106 existing offices of those agencies being consolidated. At Employment Centers, individuals and families can get supportive services like food stamps, child care, and financial assistance; help in finding a job; access to job training programs; educational and employment-related opportunities for displaced homemakers; and services for aged and disabled individuals.

The agencies and programs brought into the Department of Workforce Services include:

The Office of Family Support which in addition to the Family Employment Program also administered:

- ~ Food Stamp Benefits
- ~ Child Care Services
- ~ Refugee Assistance
- ~ General Assistance
- ~ Work Toward Employment Program
- ~ Medicaid Assistance

The Department of Employment Security (Job Service) which oversaw:

- ~ Unemployment Insurance
- ~ Employment Services: Applicant testing, counseling, screening, job referrals.
- ~ Veteran's Services
- ~ Migrant Farmworker Services

The Office of Child Care which worked with:

- ~ Employers in the state to ensure that quality child care is available to those who are employed.

The Office of Job Training which coordinated:

- ~ Job Training Partnership Act (JTPA).
- ~ Single Head of Household Services
- ~ Both Included such services as Assessment, Classroom Training and Career Counseling

The Turning Point Program which served displaced homemakers by providing:

- ~ Pre-Employment Training
- ~ Career Orientation
- ~ Career Assessment
- ~ Assertiveness Skills
- ~ Job Seeking Skills
- ~ Job Placement

The mission of the Department of Workforce Services is:

To provide quality accessible and comprehensive employment - related and supportive services responsive to the needs of employers, job seekers and the community.

Utah will use the Temporary Assistance for Needy Families (TANF) block grant to fund its Family Employment Program and Employment Education and Training Services for Needy Families.

### *The Family Employment Program*

The Family Employment Program has been developed through Utah's long experience with improving services for unemployed and underemployed individuals. This includes the experiences of Utah's waiver program, Single Parent Employment Demonstration (SPED) Project and the Utah State Legislature's enactment of the Employment Assistance to Utah Families (EAUF) Act, passed in the 1996 session. The purpose of the Family Employment Program is to offer unemployed and underemployed single parents and two parent families opportunities to increase family income through employment and child support.

Utah's SPED project was implemented beginning January 1993. The development of that program was based on input from line staff and the community. Each additional waiver implemented in the SPED program also received review and input from community groups and related state and county agencies. In 1995, the Utah Department of Human Services Office of Family Support produced a publication called From Entitlement To Employment. This was an effort to provide advance planning for the possibility of block grants. The publication was presented to the Utah Legislature in July 1995 and widely distributed to the community for reaction. The Employment Assistance for Utah Families Act, which placed the Single Parent Employment Demonstration waivers into state statute and instructed the Office of Family Support to initiate additional waivers to improve the program, was widely debated before it passed. In addition, the Office of Family Support held monthly Demonstration Steering Committee meetings where client advocates, state and local

community services, and private community agencies could review the program and develop improvements.

With the expansion of welfare reform statewide in July 1996, the program name was changed to the Family Employment Program to reflect that it serves all of Utah's families and was no longer considered a demonstration. This expansion has given all Utah communities experience with the program. Utah's Temporary Assistance for Needy Families' (TANF) state plan is the culmination of this on-going involvement and work. The 1997 Utah legislature passed the Family Employment Program act, which modified and replaced the Employment Assistance for Utah Families act. This act moved authority of the Family Employment Program from the Department of Human Services to the Department of Workforce Services effective July 1, 1997.

Data for the Family Employment Program is collected to measure the effect of increasing family income. Utah will continue to contract with the University of Utah's Social Research Institute to provide data and survey information measuring that goal and gathering other helpful data. This data follows all individuals participating in the program including a longitudinal study. This information is provided every month and distributed to the local areas in the state. The Social Research Institute attempts to interview all individuals who choose not to continue participation in the program to assess the results of that choice. In addition to the Social Research Institute's data, the Department of Workforce Services provides to management and staff Success Indicator Measurements (SIMS) which measure a participant's success in achieving increased income - entering employment, increased employment income, case closures due to increased employment income. These outcome measures are reported at the state, region, local office, team and worker level. Utah will be successful when increased income occurs for families taking advantage of the opportunities of the Family Employment Program.

To maintain the public's trust, it is paramount that the Family Employment Program is viewed as an effective employment program, and a program that we execute with integrity. Utah has a case audit format which has been implemented by each individual office providing the Family Employment Program. This process will roll-up results to a statewide level. The current Quality Control unit for Utah will remain involved in the evaluation of proper dollar distribution, and will have expanded responsibility in the evaluation of the program's integrity by being incorporated into the newly developed audit process as well. Utah will also continue to utilize the Office of Recovery Services (IV-D agency) for fraud and overpayment collections.

### *Employment Education and Training Services*

In the early 1900's Congress recognized the need to train workers by passing the Vocational Education and Rehabilitation Programs. Until the Depression, the federal government provided only emergency assistance. The Wagner-Peyser Act of 1933

established the Federal/State Employment Service. Public Assistance, Old Age Insurance, and Unemployment Compensation became a unified program in the 30's. World War II and the Korean War along with the post-war boom removed the fear of unemployment. Between 1950-1960 significant changes took place, setting the stage for employment and training legislation of the 60's: millions left farm work, technology advanced, we had longer life spans, the baby boom started, and more women joined the workforce.

The Manpower Development and Training Act (MDTA) was passed in 1962, the Vocational Education Act in 1963, and the Economic Opportunity Act (EOA) in 1964. Unnecessary duplication in federal programs became evident in the late 60's and the EOA was amended to bring about some consolidation. Programs were administered nationally with no attention to local needs until President Nixon signed the Emergency Employment Act of 1971. The Comprehensive Employment Training Act (CETA) of 1973 consolidated existing programs, emphasized decentralization, and allowed program design to meet local needs. The first local advisory councils were established.

In 1983 CETA was modified by congress into the Job Training Partnership Act (JTPA) and signed into law by President Reagan. JTPA was amended by Congress in 1993.

On August 7, 1998 the Workforce Investment Act (WIA) was signed into law. This legislation reformed job training programs and created a comprehensive workforce investment system. Seven key principles are embodied in the law:

Empowering individuals through financial power, access to increased levels of information and guidance and through the support of One-Stop service systems and partners.

Universal access to the information on employment related services, opportunities and career planning.

Increasing accountability in achieving the goal of increased employment, retention and earnings of participants. This is done through improving the quality of the workforce to sustain economic growth, enhance productivity and competitiveness and reduce welfare dependency.

Strong involvement of the local business community in local strategic planning and program oversight.

State and local flexibility to meet the needs of local labor markets.

Improved youth programs to provide strong connections between academic and occupational learning.

Job training assistance and its related services offer a selection of tools to be used in the development of Utah's high quality workforce, as outlined in the DWS mission statement. In order for Utah's workforce to compete in the state and national employment market, individual assessment, planning, and training services are required to prepare our economically disadvantaged and displaced customers for high paying jobs. Their

employment goal may be to obtain a first job, a better job, or a career placement. Economically disadvantaged youth, adults, and older workers are prepared for participation in the workforce through the provision of basic and occupational skills, development of pre-employment and work maturity skills, and a variety of work site and classroom learning options. Dislocated workers served under the WIA are aided in their desire for quick re-entry into the workforce through early readjustment and referral services. Those workers assessed as needing skills updating or certification use job training services as a tool to build upon already-existing work experience and ethics. Successful efforts to assist all job training customers are based on an understanding of the social, emotional, and economic factors which influence and act as barriers to an individual's employment potential.

The use of the TANF block grant to support needy families with the Family Employment Program and Employment Education and Training Services will provide the access to services and resources needed for the Department of Workforce Services to achieve the Mission.

## Section 2 - NEEDY FAMILIES

In Utah services and assistance may be provided to eligible families where a dependent child resides and whose total household income does not exceed 200% of the Federal Poverty level.

### *Family Employment Program*

The Family Employment Program will serve all eligible unemployed or underemployed families where a dependent child resides in the home, or where a woman is pregnant and in her third trimester. A dependent child is defined as a child under the age of 18, or if 18 the child is still considered a dependent through the month of graduation from a school or training program if they are reasonably expected to be completed by the month they are turning age 19.

Individuals who must be part of the Family's assistance filing unit include:

- All brothers, sisters, half-brothers, half-sisters, adopted brothers, and adopted sisters who are residing in the same household as a dependent child, and who also meet the dependent child requirement
- All parents, including stepparents, residing in the same household as their son, daughter, stepson, or stepdaughter who meets the dependent child requirements
- When an individual residing in the household is required to be included in two filing units, the filing units must be combined into one filing unit.

A child who is expected to be temporarily absent from the home for not more than 180 consecutive days may still be considered part of the filing unit. A Native American child or a child who is deaf and blind, if temporarily absent due to boarding school may still be considered part of the filing unit even if the temporary absence is expected to last more than 180 days.

The Family Employment Program will also offer employment related services to non-custodial parents who are currently unemployed.

For the Family Employment Program a family is considered needy when:

- they are residing in Utah
- they meet either U.S. citizenship status or a non-citizen status of permanent legal resident, refugee, conditional entrant, or individuals granted political asylum (eligible non-citizens who do not meet TANF qualified alien criteria will be served by only State dollars)



- their countable assets do not exceed \$2,000 in value - with the equity value of one vehicle exempted up to \$8,000, or the total equity value of a vehicle exempted when it is equipped to transport a disabled household member
- they meet the following income limits:

Household Size	Test 1 Gross Income	Test 2 Net Income	Test 3 Financial Assistance Payment Amount
1	608	329	261
2	843	456	362
3	1050	568	451
4	1230	665	528
5	1400	757	601
6	1542	834	663
7	1615	873	693
8	1690	914	726

Each financial assistance payment includes a \$100 parent participation amount. All parents in the household must be participating to receive it. Parents who are not participating in agreed upon activities face the possibility of losing the \$100 parent participation amount. In addition, financial assistance closure for the whole family could happen if a formal conciliation process determines the parent is capable of participation in agreed upon activities and has chosen not to participate.

All families within the State, and those families who have moved here from another State, will have the same access to the Family Employment Program and be offered the same level of assistance and supportive services. Eligible non-citizens will also be offered the same level of assistance and supportive services. Eligible non-citizens who do not meet TANF qualified alien criteria will be served by only State dollars.

Information on families participating in the Family Employment Program will be safeguarded and access restricted to only those who request information to administer programs that provide other required or needed services to the families we serve. Any person who fails to safeguard information is subject to both civil and criminal penalties.

Families will have the right to ask for an agency conference or a fair hearing any time they do not agree with an action or decision on their case:

- An agency conference involves a meeting between the family, the case manager, and the supervisor. In the conference the action or issues they do not agree upon will be identified, a review of the case record will occur, rules will be checked and explained, and alternative actions that could resolve the issues will be explored.
- A fair hearing will be conducted by an independent hearing examiner through either in-person hearings with all parties meeting at the same place or telephonic hearings where the hearing examiner conducts the hearing via a telephone conference call. The family must ask for the hearing in writing within 90 days of the effective date of the case action with which they disagree and a decision must be issued within 60 days from the date of the hearing. A family who requests a fair hearing within 10 days of the effective date of the action they disagree with, may also request continued benefits while awaiting the outcome of the hearing. Fair Hearings will not be open to the public.

### *Family Employment Program for Two Parents*

The Family Employment Program for Two Parents serves unemployed and underemployed households where a dependent child (or an unborn child is in the third trimester) has at least two-parents who reside in the household and both parents are capable of earning at least \$500.00 a month. Other eligibility requirements and limitations remain the same as in the Family Employment Program.

### *The Utah Adoption Assistance for a Birth Parent Program*

The Utah Adoption Assistance for a Birth Parent Program provides assistance to a birth parent who would have been or is otherwise eligible for the Family Employment Program. Assistance for a woman who is in her third trimester, and is planning to relinquish custody of the child for the purpose of adoption, is provided by, and based on the Family Employment Program requirements until the child is born and custody has been relinquished.

Once relinquishment and subsequent termination of parental rights occurs financial adoption assistance may continue to be provided based on participation and eligibility requirements for up to a maximum of twelve consecutive months from the date of relinquishment . The month after relinquishment is month one.

For a birth parent who was (or would have been) the caretaker of a child whose custody has been relinquished in the State of Utah for the purpose of adoption, and has other related dependent children living in the home, the household must first be determined to be eligible for the Family Employment Program thus meeting the Utah definition of needy family. If the household is eligible for the Family Employment Program a supplemental adoption assistance amount, equal to the amount the household would have received had the parent kept the child, will be added to the monthly amount. If the household is not

eligible for the Family Employment Program, the birth parent is not eligible for any TANF funded financial adoption assistance.

### *Emergency Assistance Homelessness Prevention Program*

This program provides immediate short term help to destitute families. Services may be provided to families for up to 30 consecutive days in any 365-day period. Services provided by this program include rent, mortgage, utility payments, and/or legal services to avoid eviction.

A family with a dependent child who is homeless, or in danger of becoming homeless, due to a crisis situation beyond their control may be eligible for assistance from this program. The expectation is that the one-time assistance will enable a homeless family to obtain housing, or a family about to become homeless will be able to maintain their housing while they overcome the temporary crisis.

#### Program Eligibility Requirements:

The family must meet ALL eight of these program eligibility requirements to be eligible:

1. The family must be homeless, facing eviction, foreclosure, utility shutoff, or in need of utilities, because of past due payments that resulted from a crisis beyond the control of the family.
2. The family must be able to secure housing, utilities, or be able to prevent the eviction, foreclosure, or utility shutoff, with a one time rent, mortgage, or utility payment.
3. The family must demonstrate the ability to resolve past due payments and pay future months' rent, mortgage, or utility payments after resolution of the crisis.
4. The family must have exhausted all other resources first.
5. The value of the household's assets cannot exceed \$2000.00. Countable assets are those immediately available to the family members.
6. The gross income available to the family cannot exceed the gross income limit of the Family Employment program. This limit equals 185% of the standard needs budget based on the household's size.
7. The family must have a dependent child who is either a U.S. citizen (this includes individuals who have been naturalized) or an alien who is lawfully admitted to reside permanently in the U.S. Aliens granted legal temporary or legal permanent status under the 1986 Immigration Reform and Control Act are not eligible for five years from their adjustment date.

8. A household eligible for emergency assistance will only receive services for a thirty consecutive day period during a year. A year is defined as 365 days following the initial date the assistance was issued.

Services Provided Include:

Eligibility Determination and Administration  
Counseling (in basic planning and family budgeting)  
Advocacy referral (needed to resolve problems with landlords and mortgage companies)

Payments provided will not exceed:

\$300 per family for one month's rent payment  
\$500 per family for one month's mortgage payment  
\$200 per family for utility payments

The Family Employment Program for Two Parents, Adoption Assistance Program and the Emergency Assistance Homelessness Prevention Service all have the same requirements as the Family Employment Program regarding:

Restriction of Use and Disclosure of Information

Treatment of Families Moving into the State and

Citizenship Requirements

### *Employment Education and Training Services*

Employment Education and Training services will be provided to all eligible unemployed or underemployed families where a dependent child resides in the home or where a woman is pregnant and in her third trimester. A dependent child is defined as a child under the age of 18 , or if 18 the child is a full time student and under age 19.

Individuals who must be part of the Family's assistance filing unit include:

- All brothers, sisters, half-brothers, half-sisters, adopted brothers, and adopted sisters who are residing in the same household as a dependent child, and who also meet the dependent child requirement
- All parents, including stepparents, residing in the same household as their son, daughter, stepson, or stepdaughter who meets the dependent child requirements.
- When an individual residing in the household is required to be included in two filing units, the filing units must be combined into one filing unit.

For Education and Training Services a family is considered needy when:

They are residing in Utah

They meet either U.S. citizenship status or a non-citizen status of permanent legal resident, refugee, conditional entrant or individuals granted political asylum.

The families household gross income does not exceed 133% of the federal Poverty limits.

Families have the right to ask for an agency conference any time they do not agree with an action or decision on their case. An agency conference involves a meeting between the family, the case manager and the supervisor. In the conference the action or issues they do not agree with will be identified, a review of the case record will occur, rules will be checked and explained, and alternative actions that could resolve the issues will be explored.

## Section 3 - EMPLOYMENT PLANNING

### *Family Employment Program*

The purpose of the Family Employment Program (including the Family Employment Program for Two Parents and Adoption Assistance) is to help families move out of poverty by increasing family income through employment and child support. The Program will move families to work and increased economic independence in the following ways:

- **Employment planning occurs before eligibility determination with diversion from ongoing financial support as an option.**

In order to stress the program's employment focus, assessment and planning occurs prior to an eligibility interview. From the individual's initial contact with the agency, participation requirements and the program's employment goals are clear. Under the diversion option, persons with immediate employment prospects or other sources of income are offered job placement assistance, a financial payment to meet immediate needs, and transitional medical and child care support services.

- **Universal participation in activities leading toward employment based on individualized employment plans.**

Every parent regardless of age or the age of their children participates in appropriate activities. Based on the work activity waiver in section 8 all activities are employment activities. Employment activities begin with the initial contact. There are no exemptions, although temporary suspension of active participation is provided to overcome temporary barriers for illness, medical problems, and to search for quality child care. This policy does allow for the implementation of Section 407 which limits participation for a parent with a child under 6 AND needed child care is unobtainable.

Children age 16 and older who are not in school or working are also required to participate in activities which support school and employment.

Employment plans are individualized. The number of participation hours vary from one participant to another. One participant may be working full-time, another involved in mental health treatment, another in training and yet another in part-time work combined with training.

Child support is emphasized. Unless there is good cause, child support cooperation is a participation issue.

Participation is supported. The financial support payment is based upon participation. Participants participating at a "high level" receive an extra \$40 a month.

- **Employment is supported rather than penalized.**

For the financial support payment, the first \$100 plus 50% of the remainder of earned income is not counted when determining the financial support payment. This incentive is not time limited.

Transitional case management, transitional medical, and transitional food stamps are all offered to support increased household income through employment. Transitional support is for 24 months.

- **Financial, Food Stamp, Medicaid and Child Care rules are simplified**

Staff and participants can focus on activities which lead to employment not on activities geared at remaining eligible for assistance.

- **A wide range of services are available to move parents to increased economic independence.**

Services include: case management, assessment, skill training, adult education, job development and placement, community work, mental health and substance abuse counseling, funds for work related expenses, job readiness and life skills training.

- **Domestic Violence is recognized as one of the possible obstacles that individuals may need to resolve.**

Employment Plans should be flexible and might include temporary waivers for work requirements, extensions of time limits, and customizing programs and resources to meet the individual needs of battered women. Plans should be designed such that safety is a principle consideration and opportunities are available to victims to disclose he or she is a victim of domestic violence and the necessary protections, services and support is available to achieve both safety and employment. Screening for domestic violence is an ongoing process and individuals may voluntarily and confidentially disclose at any time during their participation.

All employees administering TANF assistance to individuals receive training in General Domestic Violence Issues, Screening Issues, Case Work Issues, Procedures and Referral Issues. Regions and Employment Centers statewide are responsible for providing multiple opportunities for disclosure and referral and for maintaining and training on resource referral information in the community. Interagency agreements will address the following items:  
FEP assistance must be clearly defined as employment based.

Employment plans must be negotiated and complied with. Employment plans include assessments to determine abilities, limitations, and current circumstances. Conciliation, sanctions and case closures are consequences of noncompliance.

The state will meet the requirements for Federally recognized good cause domestic violence waivers. The state waiver on the definition of employment activities already allows for individualized assessment and development of a plan that leads to work. We will be able to waive federal participation requirements along with other program requirements specified in attachment B under Optional Certification. The waivers will be determined based on need by a person trained in domestic violence and individuals will have a service plan developed by a person trained in domestic violence.

Because Utah has been running a welfare reform demonstration that requires universal participation, the State is aware that not all families can move quickly into the labor force. An extensive review of long term cases at an early SPED Project Site revealed that:

- C Twenty percent of the cases had a parent receiving SSI.
- C About half of the remaining cases had serious medical barriers or the parent needed to stay in the home to take care of a sick child or relative and would probably be exempted as incapacitated under previous AFDC policy.
- C Most had received AFDC for at least three years prior to the SPED Project and some were participating at a minimal level.

Long term cases have very distinct characteristics. Most of these recipients face one or more of the following challenges: a mental health problem, drug or alcohol abuse, negative support systems, domestic violence, continued lack of success, or no recent employment history. A large number of these cases either had their first child as a teenager before receiving financial assistance or are currently a teen parent while on financial assistance. Key interventions that have helped these individuals to connect to the workforce have included home visits, case staffing, intensive monitoring and follow-up and the addition of treatment counselors at all sites. The conciliation process focuses on these interventions in order to encourage client participation prior to a financial assistance reduction or case closure.

All Employment Centers are now focusing on these long term cases and the preliminary results are encouraging. While results with families facing multiple barriers to full-time employment do not occur quickly, these cases are the real key to the success of any welfare reform effort in helping families secure higher income and achieving self-sufficiency. A longitudinal case study conducted by the Urban Institute and other longitudinal studies by the University of Utah indicate that success is being realized. Individualized, highly focused efforts by staff are helping families with multiple barriers move toward employment.



**The State of Utah opts out of the TANF requirement that a parent who is capable of engaging in work must engage in community service employment after receiving TANF assistance for 2 months.** Utah will continue to utilize Work Experience and Training (WEAT) public internships when determined appropriate to provide participants with the opportunity to enhance their employability by gaining basic work experience, on-the-job training, and the development and preservation of basic job skills and good work habits through a positive community work experience. These community work sites are only developed with sponsors who are either Federal, State, or local government units/agencies, or private non-profit agencies/organizations. Each sponsor signs an agreement that they will not replace regular employees with interns and that the work position did not result in the displacement of persons currently employed or the filling of established, unfilled vacancies, unless the sponsor can show that unfilled positions are the result of funding cutbacks.

Utah's efforts in providing opportunities for the unemployed and underemployed individual will continue to be focused on competitive private sector employment. Local Employment Centers offer new companies, who are moving into their area, assistance in finding qualified employees. The Family Employment Program individuals will be prepared for those jobs. The goal of the Department of Workforce Services is to provide the labor market with qualified competitive employees. Utah's current economy provides those competitive opportunities for the majority of individuals who are receiving assistance from the Family Employment Program.

The Family Employment Program will be consistently implemented across the state. Providing meaningful opportunities to participants in all areas of the state is an expectation of the program and local service delivery sites. Local Employment Centers may choose what resources are necessary to the area for the success of an individual to achieve employment and provide those resources. The only area which may vary is where individuals reside on the Navajo Nation's tribal lands. The Navajo Nation has chosen to implement their own T.A.N.F. program and operate a Native Employment Works program.

#### *Emergency Assistance for Homelessness Prevention*

This statewide service requires no employment planning. Appropriate services within the department and in the community are offered based on individual need.

#### *Employment Education and Training Services*

Employment Education and Training Services are provided to unemployed and underemployed parents. An assessment and planning process is conducted to determine the need for training services and whether the parent has the skills\qualifications needed to successfully complete the selected training or education program.

Assessment activities assist in the determination of the customer's ability to benefit from services and in the development of the individual employment plan. The plan documents

the mix of services for the customer and includes services needed to address and resolve identified barriers. Employment goals are developed based on the assessment results and labor market evaluation.

The Employment Plan for Employment Education and Training services will include an ongoing jointly developed strategy to identify the employment goal, achievement objectives and appropriate combination of services for the individual to achieve the employment goal.

## **Section 4 - BENEFITS**

### *Family Employment Program*

The Family Employment Program will provide for at least monthly issuance of financial assistance through electronic benefit transfers (EBT) to families participating in appropriate activities such as job search, job training, adult education, community work, and other related employment activities of the program. Other supportive services that will be provided to families participating in the program include checks given directly to a parent to help reimburse work related expenses.

Child care will be provided to families participating in the Family Employment Program based on an integrated Child Care program. This Child Care program will be administered based on the philosophy that all parents are responsible for the choices they make for themselves and their children. Priority will be given to families participating in the Family Employment Program to support their participation in approved work activities and to transition off such assistance. Child care payments will be sufficient to ensure equal access for eligible children to comparable child care services in the state that are provided to children whose parents are not eligible to receive assistance under any other Federal or State child care assistance programs.

The Family Employment Program will begin to apply a 36-month life time limit January 1, 1997 to all families receiving financial assistance from the program with the following three exceptions:

- Specified relative families where the specified relative is not included in the Family Employment Program financial assistance payment.
- Families where all parents residing in the home are SSI recipients.
- Adults living on a reservation with a population greater than 1,000 and an unemployment rate of 50% or greater.

On a month-to-month basis, not to exceed 60 months of assistance, the State may continue to provide financial assistance to a family that has reached their 36-month limit for an additional month if during the previous month the parent was employed for no less than 80 hours, and during 6 of the previous 24 months that the family received financial assistance the parent was employed for no less than 80 hours a month.

The State may extend beyond the time limit 20% of the average monthly number of families receiving Family Employment Program financial assistance. Those within the 20% who are extended beyond the time limit will still be required to participate in activities leading to employment and will be subject to closure of the financial assistance case for continued non-participation.

Reasons for an extension include:

- The parent is medically (both physical and mental health conditions) unable to work,
- A young parent under age 19
- A parent must care for a medically needy dependent
- Resolving domestic violence issues if they are a barrier to employment,
- Parents engaged in education/training and through no fault of their own is not able to complete the training within the 36 month time limit.
- Parents through no fault of their own experience a delay in delivery of services by DWS.
- A parent completes education/training at the end of the 36 months and needs additional time to obtain employment.
- Moved to Utah after exhausting 36 months of assistance since October 1, 1996 and through no fault of their own a delay in delivery of services in the other state resulted in a hardship to the parent, preventing the parent from obtaining employment.
- A parent who has received 36 months of assistance and was employed 80 hours a month during 6 months of the previous 24 months while receiving assistance and continues to be employed no less than 80 hrs a month can receive an employment extension not to exceed 24 months.

At no time will more than 20% of the State's average monthly number of families receiving assistance exceed 5 years of assistance from the Family Employment Program.

A month that a parent received Temporary Assistance for Needy Families in another state will count toward the family's 36 month Family Employment Program time limit, unless that family meets the exception criteria for specified relatives, all parents are SSI recipients or adults living on a reservation with a population greater than 1,000 and the unemployment rate is equal to or greater than 50%. Until a national data system is developed that tracks months of assistance in another state, to determine the months of assistance in another state all applicants will be asked what states they have previously resided in. Based on the information provided by the parent and any other information that may become available, a contact with those states will be made to determine if the applicant received Temporary Assistance for Needy Families. If the applicant received Temporary Assistance for Needy Families, the number of months the assistance was provided, and the number of months that the parent was employed 80 or more hours a month will be asked.

A formal three level conciliation process will occur in the Family Employment Program to resolve any lack of appropriate participation by a parent residing in the household. The purpose of the conciliation process is to:

- encourage participation in individualized appropriate activities to increase family income through employment, SSI or SSDI or child support AND

- ensure that the individual who is choosing not to participate, has made an *informed* choice about the participation and cooperation requirement AND
- confirm that case managers and other agency/allied staff have followed a uniform set of procedures, analyzed agency intervention, and utilized appropriate resources to assist individuals in resolving any participation problems.

All three levels of the conciliation process focus on jointly addressing barriers to participation and exploring alternatives to arrive at a mutually agreeable level of participation:

- Level One consists of activities appropriate for a case manager to carry out when it is determined that an individual is not participating. In most cases level one is successful in resolving the issue, but if level one is not successful conciliation moves to level two.
- Level Two formally brings in additional agency and/or allied staff to recommend ways that the participation issue might be resolved. A reduction in the household's financial assistance cannot take place until level one and two of conciliation have been completed.
- Level Three of the conciliation process occurs after a parent has lost the \$100 participation amount for not participating. Activities in level three include continued efforts to resolve the participation issue to avoid case closure, identification of resources available to the family if the parent continues to choose not to participate, and the determination if a trial participation period will be required if the parent reapplies after the financial assistance case has closed.

### *Family Employment Program for Two Parents*

The Family Employment Program for Two Parents has the following differences from the Family Employment Program in the area of benefits:

Benefits are paid twice a month based on hours of participation.

One parent must participate 40 hours per week and the other must participate 20 hours per week.

The conciliation process is used to resolve any lack of appropriate participation issues. During this process the parents are paid for hours of participation rather than removal of the \$100 at the beginning of level three.

### *Adoption Assistance*

Benefits for Adoption Assistance are the same as the Family Employment Program

*Employment Education and Training Services*

Parents eligible for Education and Training Services may receive up to:

\$5,000.00 in an Individual Training Account to Finance Training

\$4,000.00 for 6 months of a Paid Internship

50% of wages paid to the employer of On the Job Training for a 6 month period.

## **Section 5 - PARENTAL RESPONSIBILITY**

The State strongly believes that both parents have a responsibility to support their child. All parents who are included in the Family Employment Program's assistance filing unit must participate in agreed upon activities leading to increasing their family's income through employment, child support, and in some situations pursuit of disability payments. The age of a parent does NOT affect the requirement to participate. The State also offers employment related services to unemployed parents not residing in the home so they can meet their ongoing child support obligations.

Except where good cause exists, all parents are required to provide the most complete and accurate information on every absent parent, and to fully cooperate with the Office of Recovery Services (Utah's IV-D agency) so that the family can obtain child support. The State has out stationed IV-D agency workers in Employment Centers to facilitate the collection of child support information.

Parents have the responsibility to support their minor teen children who are parents as well. Teen parents who have a dependent child in their care **MUST** reside with their parent(s), stepparent(s), or legal guardian(s) to be eligible for Family Employment Program assistance, unless the teen parent has good cause to live separately. In cases where good cause is approved, the teen parent must still reside in a suitable adult-supervised living arrangement to be eligible for Family Employment Program assistance.

In a study conducted in 1992, the number of unmarried teens in Utah age 15 to 19 giving birth was 24.5 births per 1,000. This represents a 25% increase between 1985 and 1992. Because of the severe health problems associated with infants born to all mothers less than 20 years of age, the State wishes to focus on decreasing the rate of teen pregnancies for both married and unmarried adolescents. A review of the Utah risk factors indicates that:

- One in five Utah teen mothers gives birth twice or more
- 67% of teens receiving prenatal care at the Teen Mother Program at the University of Utah had mothers who gave birth to their first child as a teen
- Between 1991 and 1993, 40% of women who gave birth at least twice before age 21 had not completed high school.
- Females 15-17 years of age are less likely to receive adequate prenatal care.
- Teen mothers run a higher risk of delivering a low birth weight infant and have a one and one-half times greater incidence of infant death than mothers 20-39 years of age.

In order to address the health, social, economic and educational issues that teenage pregnancy involves, the State has developed collaborative, community based prevention

programs which focus on high risk teens, both male and female. Through the formation of these programs, the State will decrease the out of wedlock birth rate by 2% per year through 2002.

The State also believes that it is critical to include men in all teen pregnancy prevention programs. The issue of statutory rape will be addressed in all collaborative, community based prevention programs. In addition, the State will work with local law enforcement and local prosecutors to increase the number of prosecutions for statutory rape and unlawful sex with a child.

As part of the initial and ongoing assessment process of determining appropriate participation level for parents, the State will continue to consider domestic violence as one of the possible obstacles that the family needs to resolve in order to become self supporting. Participation for families who have been affected by domestic violence issues that impede their ability to gain or maintain employment will be tailored to include additional services and treatments so that the domestic violence barrier may be overcome.



## **Section 6 - TRIBES**

All tribal members may apply for assistance from the Family Employment Program if they are not receiving assistance from a tribal assistance plan. Tribal members will be subject to the same eligibility, time limit, and participation requirements as other families receiving assistance from the Family Employment Program - with one exception. If a Tribe elects to continue receiving former JOBS money to serve the employment and training needs of tribal members living on their tribal lands, and there is a cooperative agreement with the State, these tribal members will be referred to the Tribe for a determination of appropriate participation requirements.

The State will continue current coordination efforts with the Tribes in developing employment focused programs and job opportunities for tribal members. Technical assistance will be provided to the Tribes in the form of program development, information exchange, and participation in employment conferences and workshops. The State will continue its outreach in providing services to individuals residing in remote areas of tribal land.

## **Section 7 - ADMINISTRATION**

As of July 1, 1997 the Utah Department of Workforce Services has the administrative and supervisory responsibility for the Family Employment Program. The Department of Workforce Services also has the responsibility to administer most Employment Education and Training Services in the State of Utah. The Executive Director of the Department of Workforce Services is a member of the Governor's cabinet.

State administration is through five regions in the state. Each Region has several Employment Centers that implement the programs and services. The Regional Directors are directly supervised by the Deputy Director of the Department of Workforce Services. Regional Directors are full members of the Local Workforce Regional Councils which provide policy and procedure guidance to Employment Centers. These local councils review the Family Employment Program, Employment Education and Training Services as well as several local programs (this includes the WIA responsibilities required of State and Local Workforce Investment Boards) that provide employment opportunities to the unemployed and underemployed citizens in the area. Each council will have employers, Community Based Organizations, Education, Human Services, Religious Organizations, and local government representatives as members.

Currently, Utah is fully functional in the implementation of the Family Employment Program and Employment Education and Training Services statewide. The implementation date will not differ from the plan submittal date. Improvements and options in the program will be an on-going continuous improvement process that will include amendments to this plan.

## Section 8 - WAIVERS

***These waivers are identified by the alpha character as designated in the July 1996 Waiver Terms and Conditions document of the Utah SPED Project.***

- B.** The State will require participation of all AFDC parents and eligible children who are 16 or older (and not in school) in JOBS or other SPED activities; eliminate all JOB exemptions, except for the exemption for children under age 16.

In addition to the JOBS component activities, the State may require participation in other SPED activities, which may include JOBS and JOBS-like supportive services, including: family counseling; parenting counseling or classes; weight reduction classes; drug and alcohol program and counseling; and other activities, with approval from the Departments, as needed to enable a person to participate in JOBS or employment. [Section 402 (a) (19) (C) (i) , (ii), (iii), (iv), and (vi)]

***This waiver will be kept because Temporary Assistance for Needy Families Section 407 (c) more narrowly defines what is considered "work" activities. The current countable work activities are:***

### 204-5 Components - General Information

Components are the activities designed to help an individual become employed. Each activity is to be used in a way that helps the individual achieve the goal of the employment plan.

There is no fixed sequence of components. A variety of activities may be appropriate under any selected component. Component selection is based on what makes sense to achieve the individual's employment goal given the individual circumstances. The individual needs a clear understanding that progress toward the goal will be monitored.

### 204-6 Employment and Pre-Employment Components

#### 1. Part-time Employment - Component Code - EP

Participation in employment for less than 30 hours per week, receiving at least minimum wage or prevailing community standard.

Satisfactory performance in the part-time employment component is maintaining the employment as negotiated in the participant's plan.

#### 2. Full-time Employment - Component Code - EF

Participation in employment for at least 30 hours per week, receiving at least minimum wage or prevailing community standard.

Satisfactory performance in the full-time employment component is maintaining the employment as negotiated in the participant's plan.

### 3. On-The-Job Training - Component Code - OJ

Participation in an On-The-Job Training (OJT) Placement -- OJT assignments are usually developed and sponsored by JTPA funds. OJT differs from a private internship because the participant is paid a wage, rather than a stipend or expense allowance. The employer is reimbursed for a percentage of the cost in providing the training to the individual.

### 4. Job Readiness/Reentry - Component Code - JR

The Job Readiness/Reentry Component includes activities designed to prepare the participant to move into (or return to) the work force. These activities take place in a structured setting. They may be either a class or workshop. They are usually time-limited. Job Readiness/Reentry activities may include the following:

- A. completion of employment related counseling and/or workshops
- B. completion of self esteem/problem solving/assertiveness training
- C. completion of job readiness workshops

Satisfactory performance in the Job Readiness/Reentry Component is as defined by the workshop or course and as negotiated in the individual's plan.

### 5. Employment Mentoring - Component Code - EM

The employment mentoring component is utilized to match an individual with a volunteer mentor who will help the individual in accomplishing the activities of the employment plan. This is done through a one-on-one relationship where the volunteer mentor facilitates the individual's personal and professional growth by providing encouragement, support, and by sharing knowledge and insights learned through personal experience.

### 6. Job Search Components

#### A. Job Search Group - Component Code - JG

Participation in a group job search workshop dealing with such subjects as resumé writing, interviewing skills, and telemarketing.

Satisfactory Performance for group job search is as defined by the workshop and as negotiated in the participant's plan.

B. Individual Job Search - Component Code - JS

Participation in individual job search which is intensive, generally limited to less than 30 days and closely monitored by a DWS worker.

Satisfactory performance for individual job search is negotiated in the plan appropriate for the individual and the community.

7. Work Experience and Training (WEAT) Internships

Work Experience and Training Internships provide participants the opportunity to enhance their employability by gaining basic work experience, on-the-job training, and the development and preservation of basic job skills and good work habits through a positive work experience.

A. Private Sector Internships - Component Code - PI

Private Internships are usually developed and sponsored by JTPA funds. JTPA Private Internships are currently limited to youth between the ages of 16 and 21

B. Public Agency Internships - Component Code - PU

Public Internships are set up by the DWS worker at various governmental agencies and not-for-profit sites. When JTPA is used for setting up a Public Internship follow the JTPA rules. Otherwise when a Public Internship has been negotiated as part of the employment plan, the DWS worker has these additional responsibilities related to this component:

8. Employment Support Services Contract Codes

The following activities are used to provide employment opportunities and support services necessary for the retention of employment to Family Employment Program customers who have not been successfully connected to employment.

A. Employment Support - Contract Code E1

Employment Support activities are intended to place individuals who have not been successfully linked to employment with employers who have a full-time position available and are committed to assisting the individual in retaining employment by providing Specialized Supervision

enhance an employer's capacity to retain employees who have not been successfully linked to employment through  
skills training  
on-going technical assistance  
compensation for Specialized Supervision

#### B. Intensive Employment Services - Contract Code E2

Intensive Employment Services are intended to provide brief, intensive employment-barrier resolution followed by a link to intensively-supported employment.

Regions / Employment Centers may enter into agreements with other government agencies or solicit proposals from non-government entities in order to utilize the expertise currently available in the community. Prior to providing contracted services, the contracted entity's assigned service provider must receive DWS Job-Coach Certification.

### 9. Basic Educational Components

#### A. High School - Component Code - HS

Activities related to completion of a high school education or its equivalent.

#### B. Basic & Remedial Education - Component Code - BE

Activities to provide the participant with proficiencies equivalent to completion of the eighth grade.

#### C. English as a Second Language - Component Code - ES

Activities to improve proficiency in English for non-English speakers.

NOTE: These educational components are NOT subject to the Family Employment Program 24 month educational time limit.

### 10. Post High School Education and Job Skills Training Components

Post high school education and job skill training components (Post Secondary Education, Short Term Jobs Skills Training, Long Term Job Skills Training) can only be approved and supported as part of an individual's employment plan when the assessment process determines education and training is necessary to achieve the objective of the program, and when all of the following conditions are met:

- The individual can demonstrate that the education or training would substantially increase the income level that the individual would be able to earn without this education and training, and would offset the loss of income the household incurs while the education or training is being completed.
- The individual does not already have a degree or skills training certificate in a currently marketable occupation. GRADUATE WORK CAN NEVER BE APPROVED OR SUPPORTED AS PART OF A PLAN.
- An assessment specific to the individual's education/training aptitude has been completed showing the individual has the ability to be successful in the education or training.
- The mental and physical health of the individual indicates the education or training could be completed successfully, and the individual could perform the job once the schooling is completed.
- The specific employment goal that requires the education or training is marketable in the area the participant resides, or the participant has agreed in the employment plan to relocate for the purpose of employment once the education/training is completed.
- The individual, when determined appropriate, is willing to complete the education or training as quickly as possible, such as attending school full time or attending school during summer quarters.
- The individual can realistically complete the requirements of the education or training program within the required timeframes or timelimit of the program the individual is receiving services from. (See section 300 for the appropriate program policy concerning the educational timeframe or timelimit that each program has - NOTE: The Family Employment Program education timelimit policy is found in Section 312-4)

#### A. Post secondary education - Component Code - PS

Activities related to the attainment of a degree (Bachelor's or Associate) or a teaching certificate. Graduate work cannot be approved or supported.

#### B. Short Term - Component Code - JT

Activities related to the completion of short term training which will last less than one year to prepare participants with technical job skills where no degree is awarded.

#### C. Long Term - Component Code - JL

Activities related to completion of long term training which will last one year or longer to prepare participants with technical job skills where no degree is awarded.

### 11. Life Skills Components

Life Skills activities are negotiated as part of an individual's participation plan when it has been identified that these activities will help resolve an issue or situation that is limiting the individual's current level of participation. As with all components, these activities may be combined with other components as determined appropriate for the individual to reach the objective of the program. The individual's plan will include a statement of goals to achieve and timeframes for completion of the Life Skills Component. Supportive services may be provided for the individual to participate in Life Skill activities (i.e. child care may be approved for an individual who is working with a mental health counselor).

A. Medical Treatment - Component Code - MT

Activities related to treatment of a medical condition such as keeping doctors' appointments, following doctor's treatment plan, physical therapy, pre-natal care, etc.

B. Mental Health Treatment - Component Code - MH

Activities related to treatment of mental health/emotional issues such as keeping counselors' appointments, taking prescribed medications, participation in day treatment programs, etc.

C. SSI/SSA/VA Disability Benefits - Component Code - SI

Activities related to the application and pursuit of Long Term disability payments such as applying for SSI, providing required information to SSA, appealing the decision when appropriate, etc.

D. Vocational Rehabilitation - Component Code - VR

Activities related to vocational rehabilitation training when DWS has agreed to include Vocational Rehabilitation activities such as attending a Vocational Rehabilitation assessment as part of the individual's plan.

E. Transportation Issues - Component Code - TI

Activities that lead to resolving a lack of transportation barrier.

F. Child Care Issues - Component Code - CC

Activities that lead to resolving the lack of appropriate child care.

G. Rural Location - Component Code - RL

Activities that lead to resolving barriers of rural location, such as remoteness from employment opportunities that would require a round trip commute in excess of two hours.

H. Family Crisis Resolution - Component Code - FC

Activities that lead to resolving family problems, family emergencies (such as a death in the family), child behavior problems such as parenting classes, grief counseling, juvenile justice hearings, etc.



NOTE: Do not included activities related to resolving Family and Domestic Violence issues in this component - For those activities see #I below.

I. Family Violence Resolution - Component Code - FV

Activities that lead to resolving Family and Domestic Violence issues such as attending Domestic Violence support groups, attending emotional/sexual abuse counseling, etc.

J. Life Skills Training/Self Esteem Improvement Workshops - Component Code - LS

Activities that lead to improving the individual's life skills such as self esteem courses, assertiveness training, general parenting classes, money management courses, etc.

K. Substance Abuse Treatment - Component Code - ST

Activities that lead to resolving the individual's alcohol, drug, or substance abuse problems.

L. Court/Criminal Problems - Component Code -CR

Activities that lead to resolving the individual's household criminal justice problems

12. Non-Participation Component

For the Family Employment Program the "NP" component code is used when the conciliation process has determined that the parent is not participating and removal of the \$100 parent participation amount is appropriate.

*The minimum required hours are:*

The goal of participation is the same as the objective of the Family Employment Program -- to increase family income.

Participation is defined as involvement in agreed upon activities that lead to increased family income through:

- Employment AND/OR
- Child Support AND/OR
- Pursuit of long term disability payments (SSI/SSDI/VA)

For FEP households, the number of participation hours and the type of activity may vary from one individual to another. Both the hours and the activities are tailored to what the individual needs to increase the household's income. Participation is individualized so that available resources and funds are utilized effectively to help each family achieve the objective of the program.

All individuals required to participate must take part in activities at the highest level possible considering their current circumstances and obligations. For some individuals, full-time employment may never be a reasonable expectation. Under those circumstances part-time employment or SSI/SSDI may be the optimum level achievable.

Except where good cause exists all parents are also required to participate in providing the most complete and accurate information available on every absent parent, and by cooperating with the Office of Recovery Services (ORS) so that the family may obtain child support.

All participation activities outlined in an individual's plan must serve to assist the individual in reaching the objective of the program, and comply with the tenets (principles) of the program - early exposure to the labor market, individualized pathways, and informed choices (see section 310-1 for more information). The employment goal of the participant must be clearly and specifically described in the plan - with an expected employment date noted. Successful completion of an activity is NOT a goal. Rather, it is a step. DWS workers must work with participants to ensure this is understood, and that their plan will be renegotiated when needs or circumstances change, both in terms of types and levels of activities.

#### 1. Individualized Participation - For Parents and Dependent Children required to participate in the Family Employment Program

In determining what level of participation is appropriate for an individual, DWS workers will take into account the objective of the Family Employment Program - increased family income and the tenets - early exposure to the labor market, individualized pathways, and informed choices (see section 310-1 for more information).

In determining the kind and level of participation to be included in the plan, the individual and DWS worker will also consider current situations that may affect the level of activity ( i.e., the individual's capabilities, available activities, family size, homelessness, disabilities of individuals in the home, mental illness, etc.). The DWS worker will assist in evaluating daily activities including travel, distance from child care, special needs, etc., to ensure that participation in the plan activities is at the optimum achievable level.

The participation level - the number of hours per day or week an individual will engage in the activities of the plan - will vary, with the objective being the maximum level of participation that is achievable by the individual. There is no set minimum or maximum number of participation hours required of Parents or Dependent Children being served by the Family Employment Program. Rather,

the requirement is that all activities and hours will be negotiated and agreed upon with the individual.

## 2. Enhanced Participation

Each PARENT included "IN" the Family Employment Program monthly payment who is involved in one of the following negotiated activities will receive an enhanced payment of \$40 a month:

A Public (WEAT) and private internships of 24 hours or more a week.

A Full time (as defined by the institution) attendance in an education or employment training program, such as high school, vocational training, or post secondary education.

A Employed 20 or more hours a week in addition to attending school or training.

A Employed with gross earnings of at least \$500 per month.

DWS workers will work with all parents in an effort for each to have the opportunity to attain an enhanced payment.

An individual who is participating in these agreed upon activities, is continuing to make progress in these activities, and is receiving an enhanced payment for these activities, is considered to be meeting participation requirements. A parent must continue to cooperate with Child Support enforcement activities to be eligible to receive the enhanced payment. Follow the conciliation process described in section 312 when a parent is not participating in the activities of the agreed upon plan.

## 3. Limited Participation - Short Term

Individuals with short term physical, emotional, or mental limitations are required to participate at their optimum achievable level.

A. Time Limited - Some short term limitations are time limited, i.e., you know approximately when the limitation will end, such as a person in a cast, or a woman who is pregnant. Individuals with a time limited condition will have a plan developed to engage in activities that help them be prepared for employment activities once the time limited condition is resolved.

B. Not Specifically Time Limited - Some limitations may not be readily identified as short term by a specific time limit, but the circumstance does not appear to be so severe, or to last long enough to qualify the person as having a long term limiting factor (longer than 12 months). The circumstance that is limiting

participation needs to be resolved in order for the individual to engage in employment activities.

#### 4. Long Term Limited Participation

Individuals with long term physical, emotional, or mental limitations are required to participate at their optimum achievable level. This may be by participating in:

- maintaining part time employment,
- attending parenting classes,
- involvement with mental health counseling,
- and/or other agreed upon activities.

The DWS worker will work with individuals in this situation to determine the optimum achievable level, and develop a plan around those activities. Individuals who are considered incapacitated can still engage in activities helping them reach their full potential.

EXAMPLE #1: A person has a degenerative muscle disease that prevents her from working more than 15 hours a week. This person can still engage in the participation activities of working at her current maximum level, following through with the medical care that will improve her quality of life, and possibly applying for SSI/SSDI benefits and be considered participating as agreed upon in the plan.

EXAMPLE #2: A person who has been identified in the low functioning intelligence range can still engage in the activities such as part-time employment, a sheltered workshop, DSPD supported work activities, and/or possibly applying for SSI benefits and be considered participating as agreed upon in the plan.

#### 5. Participation in activities to overcome a factor limiting participation in other activities

An individual may not be able to participate in, or have to reduce participation, in other activities because of a specific issue that needs to be resolved before the individual can engage in, or increase participation in, other activities such as:

- The appropriate employment resources for the individual are not currently available.
- The individual does not have access to transportation.
- The individual is having difficulties locating a child care provider.

- The individual is living in a remote area requiring a round trip commute greater than two hours to engage in employment.
- There is a family emergency or family problems of high frequency or intensity.

A plan must be developed to address how the individual will overcome the specific issue limiting participation as identified above.

## 6. Renegotiation of Participation

The level of participation will be renegotiated when the individual's circumstances indicate a need for a change. Individuals will be informed that it is all right to renegotiate their plan.

Participation may increase as an individual's skills are developed or other obligations decrease. Participation may decrease due to changes in the individual's or family situation.

- C. The monthly AFDC benefit payment amount will be reduced by \$100 for non-participation in SPED without good cause (as set forth in the State manual); the minimum 3- and 6-month sanction periods under JOBS for the second and subsequent sanctions, respectively, and vendor payment requirements will be eliminated. The \$100 reduction shall end when SPED participation requirements are met. If non-participation involves a child age 16 to 18 who is not in school or working full-time, then instead of reducing the grant by \$100, the needs of the child will be removed from the grant calculation. However, these children will continue to be eligible for Medicaid services. In instances where the \$100 sanction has been applied for 2 months and non-participation continues the State may replace the \$100 sanction with case closure, but not before the following steps have been taken:

- (1) a special worker has met with the non-participant to clear up any misunderstanding, to encourage participation, and to address any underlying problems or barriers to participation;
- (2) if possible a home visit will be made to encourage participation;
- (3) a review has occurred in which the non-participant has again been encouraged to participate, and has been informed that continued non-participation will result in closure of the case; and
- (4) the office director or designee has conducted a case review and concludes that every reasonable effort has been made to encourage participation, and that the non-participant has clearly and repeatedly chosen not to participate in appropriate self-sufficiency activities.

Immediately, upon participation in SPED (as determined according to criteria set in the State manual) the case will be reopened.

Examples of good cause include: the State does not offer appropriate self-sufficiency activities for the participant; inaccessibility of transportation; medical problems that preclude participation; the need to provide medical care for an immediate family member until substitute care can be arranged; lack of appropriate child care; and over 10 hours a day of participation would be required. [Section 402(a)(19)(G)(i),(ii), and (iii)]

*This waiver will be kept because Temporary Assistance for Needy Families Section 407 (e) which requires a pro-rata reduction for not participating in work activities could be a less or more restrictive penalty to a family depending on household size.*

- D. Provide a \$100 reduction in the monthly benefit payment amount for those who fail to cooperate in child support cases, without good cause, as specified in 45 CFR 232.42, and continue to make AFDC payments directly to caretaker relative. The sanction shall end when the participant cooperates. [Section 402 (a)(26)(B)]

*This waiver will be kept because Temporary Assistance for Needy Families Section 408 (a)(2)(A) which requires at least a 25% reduction for noncooperation in child support or establishing paternity could be a more restrictive penalty to a family depending on household size.*

- S. Dispense with the assignment of rights of current support to the State for persons included in diversion cases to allow child support collected for the current month to be directly distributed to the family. An estimate of child support receipt in the next 3 months will be made for each diversion case. Such estimated child support receipt shall be considered as income in determining the amount of the assistance. [Section 402 (a)(26)(A)]

*This waiver will be kept because Temporary Assistance for Needy Families Section 408 (a)(3), which requires all families receiving TANF assistance to assign right of support to the State is more restrictive.*

The waivers listed below, while NOT needed for our TANF funded Family Employment Program, are being retained to ensure that Family Employment Program recipients in our State continue to have a close link with Medicaid.

- G. Determine the eligibility of and amount of benefits for needy two-parent families without regard to the 30-day unemployment requirement, the 6 quarter work history requirement (including the unemployment compensation requirement), and the 100-hour definition of unemployment. [Section 402 (a)(41)]

- J. Provide AFDC benefits on behalf of children when one of their parents is out of the home but the parent continues to provide maintenance, physical care, or guidance as described in 45 CFR 233,90 (c)(iii). [Section 1115 (a)(2)]
- M. Increase the resource limit to \$2,000 per assistance unit. [Section 402(a)(7)(B)]
- O.. Require reporting changes in income of \$100 or more at the time of the change. [Section 402(a)(14) and (22)]

### **Waiver Certification**

#### **In accordance with the 45 C.F.R. Part 260.75 the State of Utah Certifies:**

The applicable policies have been in place and continuously applied since October of 1996. The policies are inconsistent with The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) section 415 and the Code of Federal Regulations part 45 section 260 published April 12, 1999.

Items B, C, D and S do contain the specific work provisions and penalties that have and will continue to apply in Utah.

**Certified by the Chief Executive Officer of the State;**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael O. Leavitt  
Governor of Utah

**ATTACHMENT A**  
**, Statutory Text Relating to State Plans ,**



## STATUTORY TEXT

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) was signed by the President August 22. The following is the statutory language relative to the State TANF plan.

### SECTION 402 -- STATE PLAN REQUIREMENTS

#### (a)(1) OUTLINE OF FAMILY ASSISTANCE PROGRAM.

(A) General Provisions.-A written document that outline how the State intends to:

(i) Conduct a program, designed to serve all political subdivisions in the State (not necessarily in a uniform manner), that provides assistance to needy families with (or expecting) children and provides parents with job preparation, work, and support services to enable them to leave the program and become self-sufficient.

(ii) Require a parent or caretaker receiving assistance under the program to engage in work once the State determines the parent or caretaker is ready to engage in work, or once the parent or caretaker has received assistance under the program for 24 months, whichever is earlier.

(iii) Ensure that parent and caretakers receiving assistance under the program engage in work activities in accordance with section 407.

(iv) Take steps to restrict the use and disclosure of information about individuals and families receiving assistance.

(v) Establish goals and take action to prevent and reduce the incidence of out-of-wedlock pregnancies, with special emphasis on teenage pregnancies, and establish numerical goals for reducing the illegitimacy rate of the State for calendar years 1996 through 2005.

(vi) Conduct a program that provides education and training on the problem of statutory rape so that teenage pregnancy prevention programs may be expanded in scope to include men.

(B) Special Provisions.-

(i) The document shall indicate whether the State intends to treat families moving into the State from another State differently than other families under the program, and if so, how the State intends to treat such families under the program.

(ii) The document shall indicate whether the State intends to provide assistance under the program to individuals who are not citizens of the United States, and if so, shall include an overview of such assistance.

(iii) The document shall set forth objective criteria for the delivery of benefits and the determination of eligibility and for fair and equitable treatment, including an explanation of how the State will provide opportunities for administrative or appeal process.

(iv) Not later than 1 year after the date of enactment of the Act, unless the chief executive officer of the State opts out of the provision by notifying the Secretary, a State shall, consistent with the exception provided in section 407(e)(2), require a parent or caretaker receiving assistance under the program who, after receiving such assistance for 2 months is not exempt from work requirements and is not engaged in work, as determined under section 404(c), to participate in community service employment, with minimum hours per week and tasks to be determined by the State.

(2) CERTIFICATION THAT THE STATE WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM.- A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a child support enforcement program under the State plan approved under part D.

(3) CERTIFICATION THAT THE STATE WILL OPERATE A FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM.-A certification by the chief executive officer of the State that during the fiscal year, the State will operate a foster care and adoption assistance program under the State plan approved under part E, and that the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State plan under title XIX.

(4) CERTIFICATION OF ADMINISTRATION OF THE PROGRAM.-A certification by the chief executive officer of the State specifying which State agency or agencies will administer and supervise the program referred to in paragraph (1) for the fiscal year, which shall include assurance that local governments and private sector organizations:

(A) have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and

(B) have had at least 45 days to submit comments on the plan and the design of such services.

(5) CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE.-A certification by the chief executive office of the State that, during the fiscal year, the State will provide each member of an Indians tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan

approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.

(6) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE.-A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.

(7) OPTIONAL CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE.-

(A) In General.-At the option of the State, a certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to-

(i) screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;

(ii) refer such individual to counseling and supportive services; and

(iii) waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

(b) PUBLIC AVAILABILITY OF STATE PLAN SUMMARY.-The State shall make available to the public a summary of any plan submitted by the State under this section.

## **ATTACHMENT B**

### **, State Plan Certifications ,**

This has been designed to enable the Chief Executive Officer of a State to certify that the State will operate its Temporary Assistance to Needy Families (TANF) program in accordance with the statutory requirements in section 402(a)(2) through (7).

## CERTIFICATIONS

The State will operate a program to provide Temporary Assistance to Needy Families (TANF) so that the children may be cared for in their own homes or in the homes of relatives; to end dependence of needy parents on government benefits by promoting job preparation, work, and marriage; to prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and encourage the formation and maintenance of two-parent families.

This program is known as Family Employment Program

Executive Officer of the State (Name) Governor Michael O. Leavitt

In administering and operating a program which provides Temporary Assistance for Needy Families with minor children under title IV-A of the Social Security Act, the State will:

1. Specify which State agency or agencies will administer and supervise the program under part A in all political subdivisions of the State:  
  
Department of Workforce Services is (are) the agency(ies) responsible for administering the program;  
  
Department of Workforce Services is (are) the agency(ies) responsible for supervising the program;
2. Assure that local governments and private sector organizations:
  - (a) Have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and
  - (b) Have had at least 45 days to submit comments on the plan and the design of such services.
3. Operate a Child Support Enforcement program under the State plan approved under part D;
4. Operate a Foster Care and Adoption Assistance program in accordance with part E, and certify that the State will take all necessary actions to ensure that children receiving assistance are eligible for medical assistance;
5. Provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a Tribal Family Assistance plan approved under Section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government

6. Establish and enforce standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.
7. Make available to the public a summary of the State plan; and

**OPTIONAL CERTIFICATION**

- [X] The State has established and is enforcing standards and procedures to:
- (1) Screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;
  - (2) Refer such individuals to counseling and supportive services; and
  - (3) Waive, pursuant to a determination of good cause, other program requirements such as time limits (for as long as necessary) and individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in case where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

**CERTIFIED BY THE CHIEF EXECUTIVE OFFICER OF THE STATE:**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor of Utah

## **ATTACHMENT C**

**, Funding ,**

## FUNDING

Section 403(a)(1)(A) provides that each eligible State shall be entitled to receive for each of the fiscal years 1996 through 2002, a grant in an amount equal to the State family assistance grant as defined in section 403(a)(1)(B). The effective date of this plan is October 1, 1999. The state will spend Maintenance of Effort money only on the Family Employment Program for Two Parents and eligible non citizens not meeting T.A.N.F. Qualified Alien criteria within the seven years of entry. Other TANF services will combine Federal TANF and State Maintenance of Effort money.

### I. Payments to Agency Administering the TANF Program

- < Payments for the TANF program will be made to the organization managing the AFDC/JOBES programs as of August 22, 1996, unless the State indicates that the TANF administering agency is changed. If a change is made, describe the name, address and EIN number of the new organization.

### II. State Payments for TANF Program

- < Section 405 requires that grants be paid to States in quarterly installments, based on State estimates. The State's estimate for each quarter of the fiscal year by percentage is:

For FY 1998 and Further Years-

<u>1st quarter</u>	<u>2nd quarter</u>	<u>3rd quarter</u>	<u>4th quarter</u>
30%	25%	25%	20%

- < For FY 1997, States should indicate below the percentage of TANF funds requested for only those quarters in which they plan to operate the program.

For FY 1997

<u>1st quarter</u>	<u>2nd quarter</u>	<u>3rd quarter</u>	<u>4th quarter</u>
30%	25%	25%	20%



## **ATTACHMENT D**

**, State of Utah Department of Workforce Services Organizational Chart ,**

